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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Fifth Committee

Rapporteur: Mr. Peter MADDENS (Belgium)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fiftieth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 42nd and 43rd meetings, on 18 and 20 December 1995. Statements and observations made in the course of the discussion of the item are reflected in the relevant summary records (A/C.5/50/SR.42 and 43).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/50/41) and the related report of the Advisory Committee on Administrative and Budgetary Questions as presented orally by its Chairman (see A/C.5/50/SR.42).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/50/L.16

4. At the 43rd meeting, on 20 December, the Chairman of the Committee introduced draft resolution A/C.5/50/L.16.

5. At the same meeting, the Committee adopted draft resolution A/C.5/50/L.16 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 1/ and the related oral report by the Chairman of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 an amount of 8,619,500 United States dollars gross (7,637,500 dollars net) for the period from 1 January to 31 March 1996 to allow the International Tribunal to continue its activities through 31 March 1996, without prejudice to recommendations the Advisory Committee on Administrative and Budgetary Questions may make to the General Assembly at its resumed fiftieth session;

2. Decides also, as an ad hoc and exceptional arrangement, that Member States will waive their respective shares in the remaining credits arising from previous budgets of the United Nations Protection Force in the total amount of 4,309,750 dollars gross (3,818,750 dollars net) and hence accept an equivalent increase in the assessments for a future budget period of the Force in the same amount, to be transferred to the Special Account for the International Tribunal

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1/ A/C.5/50/41.

2/ See A/C.5/50/SR.42.

from the Special Account for the United Nations Protection Force established pursuant to General Assembly resolution 46/233 of 19 March 1992;

3. Decides further to apportion the amount of 4,309,750 dollars gross (3,818,750 dollars net) for the period from 1 January to 31 March 1996 among Member States in accordance with the scale of assessments for the year 1996;

4. Decides that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 4 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 982,000 dollars for the International Tribunal for the period from 1 January to 31 March 1996.